

RESOLUTION NO. 2024-0611-1
TRI-COUNTY CONSERVANCY DISTRICT RESOLUTION ESTABLISHING
REGULATIONS FOR STORM WATER MANAGEMENT

Section 100 Purpose and Intent

The purpose and intent of this article is to ensure the health, safety and general welfare of the inhabitants of the Tri-County Conservancy District (TCCD), located in Marion, Hendricks and Morgan Counties, Indiana, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the National Pollutant Discharge Elimination System (NPDES) permit process by reducing pollutants in storm water discharges, prohibiting non-storm water discharges to the storm drain system, and promoting the orderly development of land and water resources within the TCCD. This Resolution supersedes Resolution 2016-1024-1.

Section 101 Incorporation by Reference

The following documents are incorporated by reference as a part of this Resolution and shall include any later amendments, repeals, and replacements to these documents.

1. The requirements found in the Indiana Department of Environmental Management (IDEM) Municipal Separate Storm Sewer System General Permit (MS4GP).
2. The requirements found in the IDEM Construction Stormwater General Permit (CSGP)
3. Hendricks County Stormwater Management Ordinance and Stormwater Technical Standards Manual
4. City of Indianapolis Drainage and Sediment Control Ordinance and Stormwater Design and Construction Specifications Manual
5. Morgan County Stormwater Management Ordinance and Stormwater Design Manual

Section 102 Definitions

"Authorized Enforcement Agency" The Board of Directors of Tri-County Conservancy District.

"Authorized Enforcement Officer" The District Manager of the Tri-County Conservancy District or his/her designee.

"Best Management Practice" or "BMP" Any structural or nonstructural control measure utilized to improve the quality and, as appropriate, reduce the quantity of storm water run-off. The term includes schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, land use planning, policy techniques, and other management practices.

"Clean Water Act" The Federal Water Pollution Control Act 33 U.S.C. 1251 et seq.

"Conveyance" Any structural process for transferring liquid between at least two (2) points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

"Construction Activity" Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

"Disposal" The 1) discharge; 2) deposit; 3) injection; 4) spilling; 5) leaking; or 6) placing of any solid or liquid waste or hazardous waste into or on any land or water so that any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

"Erosion and sediment control measure" A practice, or a combination of practices, to control erosion and resulting sedimentation.

"Garbage" All animal solid, vegetable solid, and semisolid wastes resulting from the 1) processing; 2) handling; 3) preparation; 4) cooking; 5) serving; or 6) consumption of food or food materials.

"Hazardous Waste" Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of , or otherwise managed.

"Illicit Discharge" Any discharge to an MS4 conveyance that is not composed entirely of storm water, except naturally occurring floatables, such as leaves or tree limbs.

"Illicit Connections" An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allows any non-storm water discharge including sewage, process wastewater, effluent, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains, washing machines, bathtubs, and sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by any enforcement agency.
2. Any drain or conveyance connected to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the authorized enforcement agency.

"Industrial Activity" Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

"Municipal Separate Storm Sewer System (MS4)" A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which is:

1. owned or operated by a federal, state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over stormwater, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into waters of the state; or privately owned stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;
2. designed or used for collecting or conveying stormwater;
3. not a combined sewer; and
4. not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

"National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit" means a permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal storm water quality.

"Non-Storm Water Discharge" Any discharge to the storm drain system that is not composed entirely of storm water.

"Person" Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

"Pollutant" Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, solvents; oil and automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, effluent, fecal coliform, E. Coli, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

"Premises" Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Receiving Waters" Waters of the State, including but not limited to Friends Creek, Leona Lake, Paddock Run, Penns Run, Rail Run, Silon Creek, Sinking Creek, and Trotter Creek.

"Storm Drainage System" Publicly owned facilities by which storm water is collected and /or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and other drainage structures.

"Storm Water" Water resulting from rain, melting or melted snow, hail, ice, or sleet.

"Storm Water Pollution Prevention Plan (SWPPP)" A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters.

"Wastewater" Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

"Watercourse" Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which storm water runoff or floodwaters flow either continuously or intermittently.

Section 103 Applicability

This Resolution applies to all discharges, including illegal dumping, entering the TCCD storm drain system regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.

Storm water runoff from agricultural, timber harvesting, and mining activities is exempt from the requirements of this Resolution unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences or businesses are not included in this exemption.

Any non-storm water discharge permitted under an NPDES permit, waivers, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (USEPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written acceptance has been granted for the subject discharge to the storm drain system, is also exempted from this Resolution.

Notwithstanding other requirements in this Resolution, the following categories of non-storm water discharges or flows are exempt from the requirements of this Resolution:

1. Water line and hydrant flushing;
2. Irrigation water;
3. Footing, foundation, and crawl space drains (uncontaminated);
4. Storm sewer cleaning water (uncontaminated);
5. Fire suppression activities;
6. Uncontaminated groundwater;
7. Springs;
8. Residential car washing;
9. Non-commercial car washing by community organizations;
10. External building wash down, without detergents;
11. Dechlorinated/dibrominated residential swimming pool discharges;
12. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005 (20));
13. Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;
14. Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids;
15. Dye-testing authorized by the TCCD.

Section 104 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Resolution are minimum standards; therefore, this Resolution does not intend nor imply that compliance by any Person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the state caused by said Person. This Resolution shall not create liability on the part of the TCCD, or any agent or employee thereof for any damages that result from any discharger's reliance on this Resolution or any administrative decision lawfully made hereunder.

Section 105 Severability

The provisions of this Resolution are hereby declared to be severable. If any provision, clause, sentence, or paragraph of Resolution or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Resolution.

Section 106 Prohibition of Illegal Discharges

No person shall discharge to a Municipal Separate Storm Sewer System (MS4) conveyance, watercourse, or waterbody, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively minimize pollutants from also being discharged with the storm water, though the use of an appropriate Best Management Practices (BMPs) per the applicable County's requirements. The TCCD is authorized to require dischargers to implement pollution prevention measures, including BMPs, necessary to prevent or reduce the discharge of pollutants into the TCCD storm water drainage system.

Section 107 Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of Illicit Connections to the Storm Drainage System is prohibited.

This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A Person is considered to be in violation of this Resolution if the Person connects a pipe conveying sewage, effluent, or biologically contaminated water to the Storm Drainage System, or allows such a connection to continue.

A Person is considered to be in violation of this Resolution if the Person reinstates a suspended connection to the Storm Drainage System without prior approval of the Authorized Enforcement Agency.

Section 108 Waste Disposal Prohibitions

No Person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposit, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the Storm Drainage System, or water of the State, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited adjacent to streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

Section 109 Industrial or Construction Activity Discharges

Any Person subject to an industrial or construction activity NPDES Storm Water Discharge Permit shall comply with *all* provisions of such Permit including the CSGP issued by IDEM. Proof of compliance with said Permit may be required in a form acceptable to the Authorized Enforcement Agency prior to allowing discharges to the MS4.

The TCCD is in Hendricks, Marion, and Morgan Counties. As such, storm water design standards and specifications for the County in which the work is occurring shall be followed. This includes standards and specifications for construction site erosion and sediment control, post construction storm water quality and quantity management, storm sewers, detention, and drainage. These county-specific requirements can be found in the following documents, or the most recent requirements provided by the applicable county.

1. Hendricks County Stormwater Management Ordinance and Stormwater Technical Standards Manual
2. City of Indianapolis Drainage and Sediment Control Ordinance and Stormwater Design and Construction Specifications Manual
3. Morgan County Stormwater Management Ordinance and Stormwater Design Manual

Section 110 Monitoring of Discharges

The Authorized Enforcement Officer shall be permitted to enter and inspect facilities subject to regulation under this Resolution as often as necessary to determine compliance with this Resolution.

Persons shall allow the Authorized Enforcement Officer ready access to all parts of the premises for the purpose of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES Permit to discharge storm water, and the performance of any additional duties as defined by State law.

The Authorized Enforcement Officer shall have the right to setup on any permitted facility such devices as necessary in the sole opinion of the Authorized Enforcement Officer to conduct monitoring and/or sampling of the facility's Storm Water discharge.

The Authorized Enforcement Officer has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure Storm Water flow and quality shall be calibrated annually to ensure their accuracy.

Any temporary or permanent obstruction to the facility being inspected and/or sampled shall be promptly removed by the facility operator at the written or oral request of the Authorized Enforcement Officer and shall not be replaced. The costs of clearing such access shall be borne by the facility operator.

Unreasonable delay and/or denial of access to a permitted facility are violations of a Storm Water discharge permit and this Resolution. The Authorized Enforcement Officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Section 111 Requirements to Prevent, Control, and Reduce Storm Water Pollutants

The Authorized Enforcement Agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the Storm Drainage System, or waters of the state. The owner and/or facility operator shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Storm Drainage System or watercourses through the use of these structural and non-structural BMPs. Any Person responsible for a property or premise, which is, or may be, the source of an Illicit discharge, may be required to implement, at said Person's expense, additional structural and non-structural BMPs to prevent the further discharge of Pollutants to the Storm Drainage System. Compliance with all terms and conditions of a valid NPDES Permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES Permit.

Section 112 Watercourse Protection

Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, existing privately-owned structures within or adjacent to a watercourse shall be maintained so that the structures will not become a hazard to the use, function or physical integrity of the watercourse. It shall be the property owners' responsibility to maintain the watercourses on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots. Maintenance responsibilities shall include the following:

1. Maintaining the watercourse free of trash, debris, excessive vegetation, and obstacles that impede flow;
2. Not removing healthy bank vegetation beyond that actually necessary for maintenance;
3. Not removing vegetation in such a manner that makes the banks vulnerable to erosion; and
4. Maintaining and stabilizing the watercourse in order to protect against erosion and degradation.

Section 113 Notifications of spills

Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the Storm Drainage System, or water of the state said Person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of Hazardous Waste said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Authorized Enforcement Agency in person, by phone, or by facsimile no later than the next business day, and written notice given no later than three business days of initial notification. The owner or facility operator shall also retain an onsite written record, for three years, of the discharge and the actions taken to prevent its recurrence. The written report shall specify:

1. The composition of the discharge and the cause;
2. The date, time, and estimated volume of the discharge;
3. All measures taken to clean up the accidental discharge and all measured proposed to be taken to prevent any recurrence; and
4. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

Section 114 Program Enforcement

1. Suspension of MS4 access
 - a. In the event of an emergency, the Authorized Enforcement Officer may, without prior notice, suspend MS4 discharge access to a Person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to public health, the

environment, the MS4, or the waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Officer may take such steps as deemed necessary to prevent or minimize the danger to the public, damage to the MS4 or waters of the state.

- b. Any Person discharging to the MS4 in violation of this Resolution may have their MS4 access terminated if such termination would abate or reduce an Illicit Discharge. The Authorized Enforcement Officer will notify a violator of the proposed termination of its MS4 access. The violator may petition the Authorized Enforcement Agency for a reconsideration and hearing.

2. Notice of violation

- a. Whenever the Authorized Enforcement Officer finds that a person has violated any prohibition or failed to meet any requirements of this Resolution, the Authorized Enforcement Officer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 - i. The performance of monitoring, analyses, and reporting,
 - ii. The elimination of Illicit Connections or Illicit Discharges,
 - iii. That violating discharges, practices, or operations shall cease and desist,
 - iv. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property,
 - v. Payment of a penalty to cover administrative and remediation costs, or
 - vi. The implementation of source control or treatment BMPs.
- b. If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall advise that should the violator fail to remediate or restore within the established deadline; the work will be done by a contractor selected by the Authorized Enforcement Agency and all the expense shall be charged to the violator and shall be considered an exceptional benefit pursuant to IC 14-33-13-2 et. seq.

3. Penalties for Violation

- a. Any person found in violation of any provision of this Resolution shall be responsible for a civil infraction and subject to a maximum fine of \$500 for a first offense, and a maximum of \$1,000 for a subsequent offense, plus costs, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Resolution.

Any person who aids or abets a person in a violation of this Resolution shall be subject to the penalties provided in this section.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Resolution committed by the same person within 12 months of a previous violation of the same provision of this Resolution for which said person admitted responsibility or was adjudicated to be responsible.

4. Stop Work Order
 - a. In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Resolution, or the accepted final storm water management plans, the Authorized Enforcement Agency may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Authorized Enforcement Agency to proceed or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Resolution or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work. A permit reinstatement fee may be assessed by the Authorized Enforcement Agency.

5. Appeal of notice of violation
 - a. Any Person receiving a notice of violation may appeal, in writing, the determination of the Authorized Enforcement Officer to the Authorized Enforcement Agency. The notice of appeal must be received within 15 days from the date of the notice of violation. The Authorized Enforcement Agency shall hold a hearing within 15 days from the date of receipt of the notice of appeal. The decision from the hearing shall be final.

6. Enforcement measures after appeal
 - a. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or deadline set during the appeal hearing, the Authorized Enforcement Officer shall enter upon the subject private property and is authorized to take any and all measures necessary in the Authorized Enforcement Officer's sole opinion to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Authorized Enforcement Officer or its designated contractor to enter upon the premises for the purposes set forth above.

7. Cost of abatement
 - a. Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs. The property owner may file with the Authorized Enforcement Agency a written protest objecting to the amount of the assessment within 15 days of notification. If the amount due is not paid within 30 days or by the date expressed by the Authorized Enforcement Agency, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

8. Injunctive relief
 - a. It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Resolution. If a Person has violated or continues to violate the provisions of this Resolution, the Authorized Enforcement Agency may petition the Morgan Circuit Court for a preliminary or permanent injunction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.

9. Compensatory action
 - a. In lieu of enforcement proceedings, penalties, and remedies authorized by this Resolution, the Authorized Enforcement Agency may impose upon a violator alternative compensatory action, including but not limited to, such as storm drain stenciling, attendance at compliance workshops, and creek cleanup.

10. Violations deemed a public nuisance
 - a. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Resolution, is a threat to public health, safety, and welfare, and is deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

11. Remedies not exclusive
 - a. The remedies listed in this Resolution are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 115 APPROVAL OF RESOLUTION NO.

This Resolution shall be in full force and effect on July 1, 2024. Passed by the Board of Directors this 11th day of June, 2024.



Chairman, Board of Directors